

REMARKS

Applicants respectfully request reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-19, 21, 22, 27-32, 34, and 40-45 are pending in the application, with claims 1, 12, and 27 being independent. Claims 1, 12, and 27 have been amended, and claims 40-45 have been newly added. Support for the claim amendments and additions can be found in the original disclosure as filed. No new matter has been added.

Statement of Substance of Interview

Initially, Applicant wishes to thank the Examiner for conducting an interview with Applicant's attorney, David A. Divine, on September 14, 2005.

During the interview, each of the independent claims was discussed with respect to representative claim 1. Applicant's attorney presented arguments distinguishing the claimed invention from the cited art. Also, several possible claim amendments were discussed.

It was Applicant's attorney's understanding that the Examiner tentatively agreed that the proposed claim amendments would overcome the rejections based on the cited documents. Accordingly, the independent claims have been amended as discussed during the interview.

§ 102 Rejection

Claims 27-32 and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,603,973 B1 (Foladare et al. '973). This rejection is respectfully

traversed. Nevertheless, without conceding the propriety of the rejection, independent claim 27 has been amended to even more clearly recite features of Applicant's invention. Support for the amendment to claim 27 can be found in the original specification at least at page 20, lines 11-17.

Independent claim 27, as presently presented, is directed to system for redirecting a communication and recites, among other things, comparing a subscriber location with said location of said user, said subscriber location being identified by a service provider in real-time, independent of called party determination.

Foladare et al. '973 fails to disclose or suggest such features. Foladare et al. '973 is directed to call redirection system and discloses, at column 1, line 56, through column 2, line 14 that:

a telephone network is arranged to give a telephone call placed to a called party's personal telephone number a particular call treatment that is selected as a function of the particular one of a plurality of predefined areas in which the called party is determined to be located [T]he associations of particular call treatments with respective ones of the areas is under control of the called party

The particular call treatments for association with one or more areas may include: (a) routing of the call to a particular wired telephone located within the area; (b) routing the call to a particular wired telephone outside of the area, (c) routing the call to a particular wireless telephone, (d) routing the call to a sequence of wired and/or wireless telephones within or outside of the area until the call is answered, and (e) routing the call to an automated answering platform. A default treatment may also be stored for handling calls that are placed to the called party when the called party is not within any area for which a call treatment is associated.

However, Foladare et al. '973 fails to disclose or suggest "comparing a subscriber location with said location of said user, said subscriber location being identified by a

service provider in real-time, independent of called party determination,” as presently recited in independent claim 27. Rather, as quoted above, Foladare et al. '973 makes clear that the associations of particular call treatments with respective ones of the areas is under control of the called party.

Accordingly, Applicant submits that independent claim 27 is allowable over Foladare et al. '973.

Dependent claims 28-32 and 34 depend from claim 27 and are allowable by virtue of this dependency, as well as for the additional features that they recite.

In particular, dependent claim 29 recites “wherein said transponder communicates said location of said user to said subscriber telephones.” Foladare et al. '973 fails to disclose or suggest communicating the location of a user to subscriber telephones. Rather, as described at column 3, lines 39-41 of Foladare et al. '973, “the resulting location [of the called party] is then transmitted from paging system 111 to NCP 119 upon its determination.” The NCP then retrieves routing instructions based on the location and returns them to the IXC 115 switch to route the call in the conventional manner (col. 4, lines 5-8). Thus, in Foladare et al. '973, the location of the user is never communicated to the subscriber telephones.

Accordingly, dependent claim 29 is allowable for at least this additional reason.

§ 103 Rejection

Claims 1, 3-19, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Foladare et al. '973 in view of U.S. Patent No. 5,742,906 (Foladare et al. '906). This rejection is respectfully traversed. Nevertheless, without conceding the

propriety of the rejection, independent claims 1 and 12 have been amended to more clearly recite features of Applicant's invention. Support for the amendments to claims 1 and 12 can be found in the original specification at least at page 20, lines 11-17.

Independent claim 1 is directed to a method of forwarding a telephone call, and recites, among other things, determining a proximity of said location of the called party to one or more subscriber locations, said subscriber locations being identified by a service provider in real-time, independent of called party predetermination.

Foladare et al. '973 fails to disclose or suggest such features. As noted above, Foladare et al. '973 discloses that "the associations of particular call treatments with respective ones of the areas is under control of the called party" (col. 1, lines 64 and 65). However, there is no disclosure or suggestion of "determining a proximity of said location of the called party to one or more subscriber locations, said subscriber locations being identified by a service provider in real-time, independent of called party predetermination," as presently recited in independent claim 1.

Foladare et al. '906 fails to remedy the deficiencies in Foladare et al. '973 noted above with respect to independent claim 1. Foladare et al. '906 was cited for its alleged teaching of "receiving a call from a calling party line to a called party wired line" (Office Action, page 3, lines 3 and 4), but is silent as to "determining a proximity of said location of the called party to one or more subscriber locations, said subscriber locations being identified by a service provider in real-time, independent of called party predetermination," as presently recited in independent claim 1.

For at least the foregoing reasons, independent claim 1 is allowable over Foladare et al. '973 and Foladare et al. '906, whether those documents are taken alone or in

combination (assuming for the sake of argument that the documents can even be combined).

Independent claim 12 is directed to a method of directing a communication, and recites features similar to those of independent claim 27.

As discussed above, with respect to independent claim 27, Foladare et al. '973 fails to disclose or suggest "comparing said location of the party to one or more subscriber locations, said subscriber locations being identified by a service provider in real-time, independent of called party predetermination," as presently recited in independent claim 12.

Foladare et al. '906 was cited for its alleged teaching of "receiving a call from a calling party line to a called party wired line" (Office Action, page 3, lines 3 and 4), but fails to remedy the deficiencies in Foladare et al. '973 noted above with respect to independent claim 12. In particular, Foladare et al. '906 fails to teach or suggest "comparing said location of the party to one or more subscriber locations, said subscriber locations being identified by a service provider in real-time, independent of called party predetermination," as presently recited in independent claim 12.

For at least the foregoing reasons, independent claim 12 is allowable over Foladare et al. '973 and Foladare et al. '906, whether those documents are taken alone or in combination (assuming for the sake of argument that the documents can even be combined).

Dependent claims 3-11, 13-19, 21, and 22 depend from one of independent claims 1 and 12 and are, therefore, allowable by virtue of their dependency from the respective base claim, as well as for the additional features that they recite.

New Claims

New claims 40-45 depend from one of independent claims 1, 12, and 27 and are, therefore, allowable by virtue of their dependence from the respective base claim, as well as for recite additional features that they recite. Support for new claims 42, 43, and 45 can be found in the original specification at least at page 22, lines 9-13, and support for claims 40, 41, and 44 can be found at least at page 23, lines 3-17.

In particular, new claim 40 recites "wherein determining the location of the called party comprises transmitting a location signal to a receiver located within or on a particular telephone at one of the subscriber locations," and claim 41 depends from claim 40 and further recites "wherein determining the location of the called party further comprises transmitting a signal associating the location of the called party with the particular telephone." Similarly, new claim 44 recites "a receiver located within or on a particular telephone at the subscriber location, such that the receiver receives transmissions communicating the user's location directly from the transceiver."

As noted above, Foladare et al. '973 discloses that "the resulting location [of the called party] is then transmitted from paging system 111 to NCP 119 upon its determination" (col. 3, lines 39-41), not to a receiver located within or on a particular telephone, as variously recited in claims 40 and 44. Nor does Foladare et al. '973 disclose or suggest transmitting a signal associating the location of the called party with the particular telephone, as recited in new claim 41.

Foladare et al. '906 likewise fails to disclose or suggest such features.

Thus, none of the cited documents, whether taken alone or in combination (assuming, for the sake of argument, that they can even be combined), discloses or suggests the combination of features of new claims 40 and 41.

New claims 42-45 variously recite that the location of the party is determined using a global position system, by transmitting a location of the party and a unique identification number associated with the party.

Foladare et al. '973 discloses that the location of the called party can be determined from a global positioning system (col. 5, lines 61-63), but fails to disclose or suggest transmitting a unique identification number associated with the party, as variously recited in new claims 42-45.

Accordingly, new claims 40-45 are allowable for at least these additional reasons.

CONCLUSION

For at least the foregoing reasons, claims 1-19, 21, 22, 27-32, 34, and 40-45 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

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By: 

David A. Divine
Lee & Hayes, pllc
Reg. No. 51,275
(509) 324-9256 ext. 233